

107TH CONGRESS
1ST SESSION

H. CON. RES. 49

Expressing the sense of Congress that the treaty power of the President does not extend beyond the enumerated powers of the Federal Government, but is limited by the Constitution, and any exercise of such Executive power inconsistent with the Constitution shall be of no legal force or effect.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2001

Mr. PAUL submitted the following concurrent resolution, which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress that the treaty power of the President does not extend beyond the enumerated powers of the Federal Government, but is limited by the Constitution, and any exercise of such Executive power inconsistent with the Constitution shall be of no legal force or effect.

Whereas article VI of the Constitution provides that only those Treaties made “under the Authority of the United States” are the Supreme Law of the Land;

Whereas the Authority of the United States is limited to the powers of the Federal Government specifically enumerated in the Constitution, and is further limited, by the procedures and prohibitions set forth therein; and

Whereas, as a limit on governmental power, the People of the United States have vested Federal powers in three coequal branches of government, each with unique and limited powers and each with a coequal duty to uphold and sustain the Constitution of the United States: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That it is the sense of Congress that—

3 (1) no treaty, or any provision thereof, which
 4 denies or abridges any constitutionally enumerated
 5 right shall be of any legal force or effect;

6 (2) no treaty, or any provision thereof, which
 7 denies or abridges the powers reserved by the Con-
 8 stitution to the several States or to the people shall
 9 be of any legal force or effect;

10 (3) no treaty, or any provision thereof, shall au-
 11 thorize or permit any foreign power or any inter-
 12 national organization to oversee, supervise, monitor,
 13 control, or adjudicate the legal rights or the privi-
 14 leges and immunities of citizens of the United States
 15 or of citizens of the several States, when such rights,
 16 privileges and immunities are, according to the Con-
 17 stitution, subject to the domestic jurisdiction of the
 18 United States or the several States; and any decision
 19 of any international body to the contrary, shall be
 20 disregarded by the courts of the United States and
 21 of the several States;

1 (4) no treaty, or any provision thereof, shall
2 have any force or effect as law within the United
3 States except as provided for by appropriate legisla-
4 tion duly enacted by Congress pursuant to its con-
5 stitutionally enumerated powers; and

6 (5) no Executive Agreement, or other agree-
7 ment between the United States Government and
8 the government of any other nation, shall have any
9 force or effect as law within the United States, but
10 shall be subject to the same procedures and limita-
11 tions on treaties as set forth in the Constitution, in-
12 cluding but not limited to ratification by the two-
13 thirds vote required by article II, section 2.

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